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May 29, 2003

Mr. Randy Kokal, Chairman, and
Huntington Beach Planning Commission
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92647

c/o shess@surfcity-hb.org

Dear Chairman Kokal, and Huntington Beach Planning Commissioners,

At the Planning Commission meeting on May 27, 2003, Commissioner Dingwall asked that I refine and reinforce the comments I made to the Planning Commission on that date.

As you may recall, I passed out a four-page handout at the Study Session and I incorporated that handout by reference at the Planning Commission Public Hearing, as well as incorporating the comments made by the Coastal Commission staff in its May 8, 2003 letter to the Planning Commission. I asked that you consider those comments and choose to take discretionary action in voting for the Alternative Action of: "B. "Continue certification of EIR No. 00-02 and direct staff accordingly".

I would like to discuss the handout and the Coastal Commission letter more thoroughly.

The first page of the handout was figure 13 of the Poseidon EIR. This figure showed "Projected Mid-Depth Salinity Over the AES Outfall- "Worst Case" Scenario".

The figure showed how the salinity discharged from the Poseidon operations will cause a plume emanating from the AES outfall pipe, and how this plume hugs the beach south of the AES plant, including Station 9N.

Since salinity is one way to measure the extent of a plume from an outfall, my purpose was to show how constituents emanate from the AES discharge outfall, including, but not limited to, salinity, including bacteria. The salinity is one marker for the plume caused by the AES discharge pipe, but the plume will include other things, including bacteria and chemicals used by the desalination plant, cleaning solutions, concentrated metals, etc. Figure 13 shows what the AES plume looks like.

The second page of the handout was "Figure 2: Huntington Beach Aerial Location Map". This came from the Huntington Beach Closure Investigation, Phase I. It shows the location of bacterial testing stations 9N, 6N, and 3N, these numbers referring to

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thousands of feet north from the Santa Ana River. 9N is the station immediately south of the AES plant.

These bacterial testing stations, particularly station 9N, have been the source of persistently high bacterial readings on the beach, often causing posting of the beach at the end of Magnolia. The source of these elevated bacterial readings has been mysterious, not having been solved even after a \$5.1 million dollar Huntington Beach Shoreline Contamination Investigation, Phase III.

If you then compare the two pages, you will note the apparent coincidence of the discharge plume from the AES plant with the bacterial testing stations, especially 9N, the end of Magnolia, where the worst beach bacteria problems occur.

This would indicate to me, and I hope to you, that discharge from the AES plant may be contributing to the beach bacteria problems.

The possible role of the AES plant in causing beach bacteria problems is corroborated by additional comments by scientists, including the Peer Review Panel Summary Report for the Huntington Beach Shoreline Contamination Investigation, Phase III, prepared by the University of Southern California Sea Grant Program and the University of California, Santa Barbara, Marine Science Institute.

The third page of the handout is the face page of this Peer Review Panel Summary Report, and the fourth page of the handout is page 6 of the report. I put a star next to Paragraph 4, and underlined the phrase "AES Power Plant plume". My purpose in doing this is to show the concern that these scientists have in studying the role of the AES power plant discharge plume, as well as other sources, in determining the proportion of beach contamination due to the OCSD effluent.

In addition, I will fax the entire Executive Summary of this report on Friday, May 30, 2003, to be included in the EIR. This summary is important, as it outlines further studies which should be done to define the important issue of bacterial contamination causing beach closures, as well as stating that one of the original objectives was to: "1) characterize the physical oceanographic processes involved in possible cross-shelf transport of the wastewater plume in the vicinity of the AES thermal discharge outfall" (see page 1 of this report).

In addition, UCI scientist Stanley Grant, in his presentation to the OCSD Technical Advisory Committee meeting of April 3, 2003, stated that the bacterial problems at 9N were different from those at Station 0, the Santa Ana River, and 3N, the Talbert Marsh, showing a different Total Coliform/Fecal Coliform ratio. He also stated that there appears to be an as-yet unidentified offshore cause of the bacterial problems at 9N.

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Therefore, could the plume caused by the AES plant discharge pipe be a factor in the bacterial problems at 9N? If so, could an additional influence of the Poseidon operations affect the AES plume and thus impact the bacterial problems at 9N?

The answer should be discovered before the EIR for Poseidon is approved as complete.

We know that Poseidon will influence the salinity and temperature of the AES discharge plume. What about bacteria generated by the AES operations, including decomposition of marine life entrained and impinged by the once through cooling system and killed by the 30 degree temperature change within the pipes? Larvae, plankton, and small fish trapped and killed within the pipe may cause a level of bacteria.

What are the bacterial levels within the AES pipeline?

What are the bacterial levels at the discharge pipe?

Any bacteria levels over the ambient ocean conditions (<10 MPN/100 cc) that are found within the cooling system pipe or at the discharge outfall may come to the beach only 1500 feet away, as shown by the shape of the AES discharge plume, ocean currents, and wind driving the bacteria to the beach.

Even low levels of bacteria can be reconcentrated at the surfzone or at the beach, or be adsorbed to sediment particles, as suggested by Phase III Peer Review Panel, pages 4 and 5.

Without knowing baseline conditions of the AES discharge plume with regard to pollution at station 9N, it would be impossible to know how Poseidon operations may affect these impacts, or what mitigation measures should be required.

That is one reason why I suggest you require additional environmental documentation such as a Subsequent EIR or Supplemental EIR. This Supplemental EIR should examine the AES power plant operations as a baseline, since an EIR has never been completed for the AES plant.

Once the AES baseline conditions are known, including actual, existing conditions, rather than permitted conditions, then the Poseidon effects on the AES plant can be determined, and mitigation requirements imposed.

For example, one of the baseline conditions not currently known, is the HBGS entrainment and impingement study currently being done, but not yet finished, and therefore the results are unknown. This study is investigating the marine life, including larvae and plankton present in the vicinity of the intake and outfall pipes.

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The Poseidon operations may impact the entrainment and impingement of these organisms if AES power plant operations are curtailed or suspended for maintenance or other reasons.

What responsibility should Poseidon have for effects on this marine life if the AES power plant goes offline for whatever reason?

What mitigations should be the responsibility of Poseidon?

With regard to mitigations that are required, what will happen if Poseidon sells its operations to an international or multinational company subject to international trade laws as mentioned in the May 8, 2003 Coastal Commission letter?

Will any local mitigations remain in effect? Now is the time to lock in the mitigations.

Will there be any element of public oversight of this private company?

Is it proper for a private company to utilize a public resource such as ocean water for private gain without public oversight?

Has the EIR considered and analyzed alternative locations for the Poseidon Operations such as Plant 2 at the Orange County Sanitation District?

Has the EIR considered mitigations such as requiring the RO reject brine to be routed through the OCSD sewage treatment system, thus avoiding adverse ocean water quality impacts from its direct discharge to the ocean?

Has the EIR considered the human impacts from increased salinity in the area proximate to the discharge pipe, including station 9N. Will the increased salinity cause mucous membrane irritation, such as eye irritation to surfers and swimmers in the vicinity of the increased salinity?

For all these reasons, and the reasons brought up by the Coastal Commission staff, I respectfully request the Planning Commission either request further environmental documentation or reject the draft EIR outright.

Since this is the first and largest of the coastal desalination plants to be considered along the California coast in the past 10 years, it is important to get it right the first time. I personally do not see the need to rush this project through without waiting for the studies to be done and to analyze the results.

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And lastly, what good is this project doing for the citizens of Huntington Beach? I have yet to see a good reason for how this project will benefit the people of Huntington Beach. The vast majority of the speakers from the community seem to be opposed to this project.

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Thank you for the opportunity to comment.

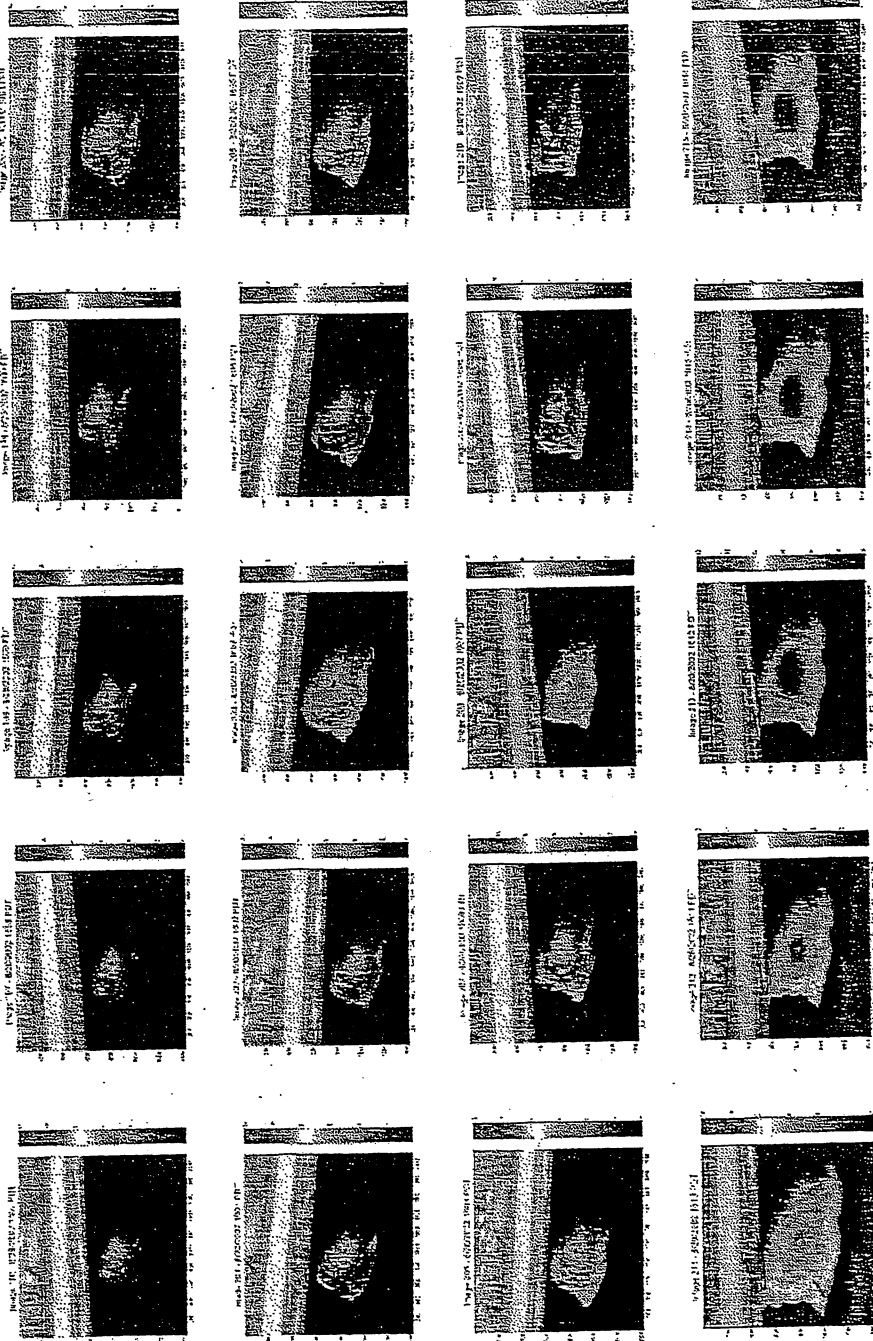
Sincerely,

Jan D. Vandersloot, MD

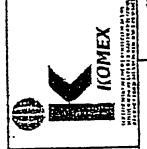


Jan D. Vandersloot, MD

TUESDAY, AUGUST 20, 2002 - DYE INJECTION #4 (15:30 to 15:56) - TIME-SERIES DYE IMAGES FROM 15:41 to 16:46

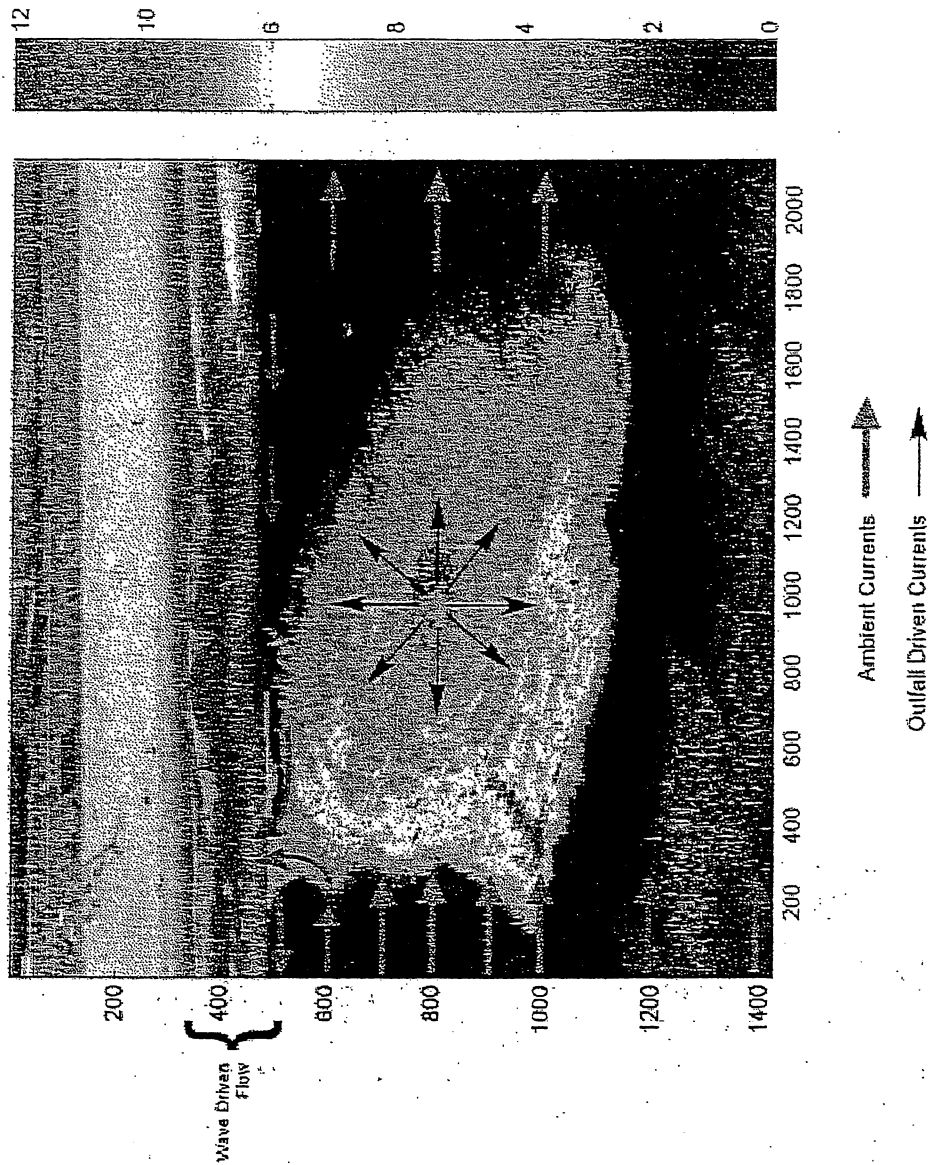



Client: California Energy Commission	
Project/Job: HBGS - AES Powerplant	Order: Aug 2002
File: Time Series Dye Releases: Dye Release No. 4 Part 1	Project file: 225-001
	Image file: 4-19b



Current Patterns Inferred From Dye Dispersion

Image 211 - 8/20/2002 16:10 PDT



 <p>KOMEX</p> <p><small>PREPARED ONLY FOR THE USE OF OUR CLIENT AND NOT FOR PUBLICATION OR FOR ANY OTHER PURPOSES WITHOUT OUR WRITTEN PERMISSION.</small></p>	Client:	California Energy Commission	Date:	April 2003
	Project/Title:	HBGS - AES Powerplant	Project No:	225-001
	Title:	Inferred Current Patterns From Dye Dispersion	Plate No:	5-1

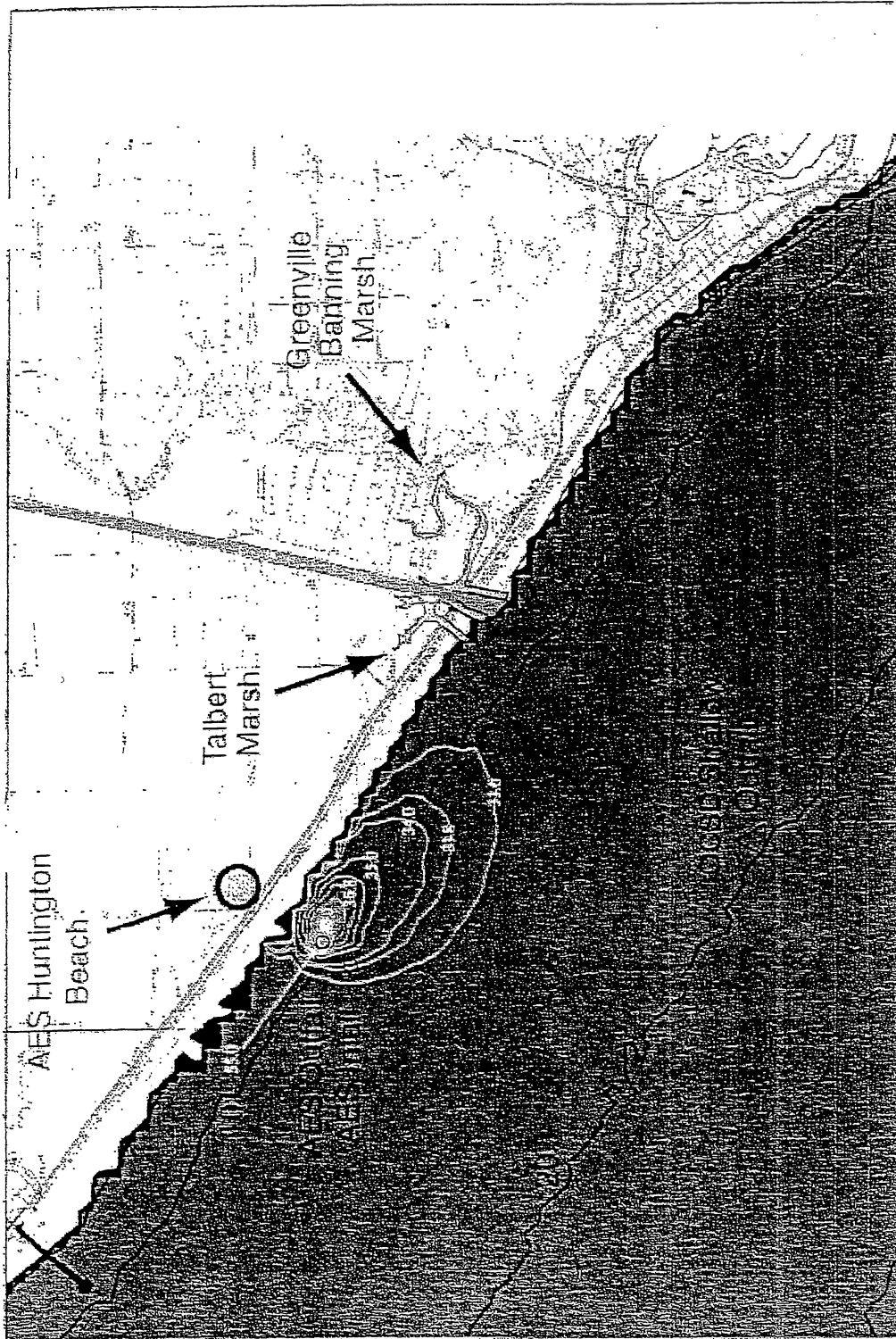
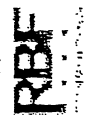


Figure 1. 30 day average of salinity at mid water column depth for concentrated sea water from: R.O. = 50 mgd, Plant Flow Rate = 126.7 mgd, summer conditions.

Source: Poseidon Resources Corporation, August 2002



POSEIDON SEAWATER DESALINATION PROJECT Projected Mid-Depth Salinity Over the AES Outfall - "Worst Case" Scenario

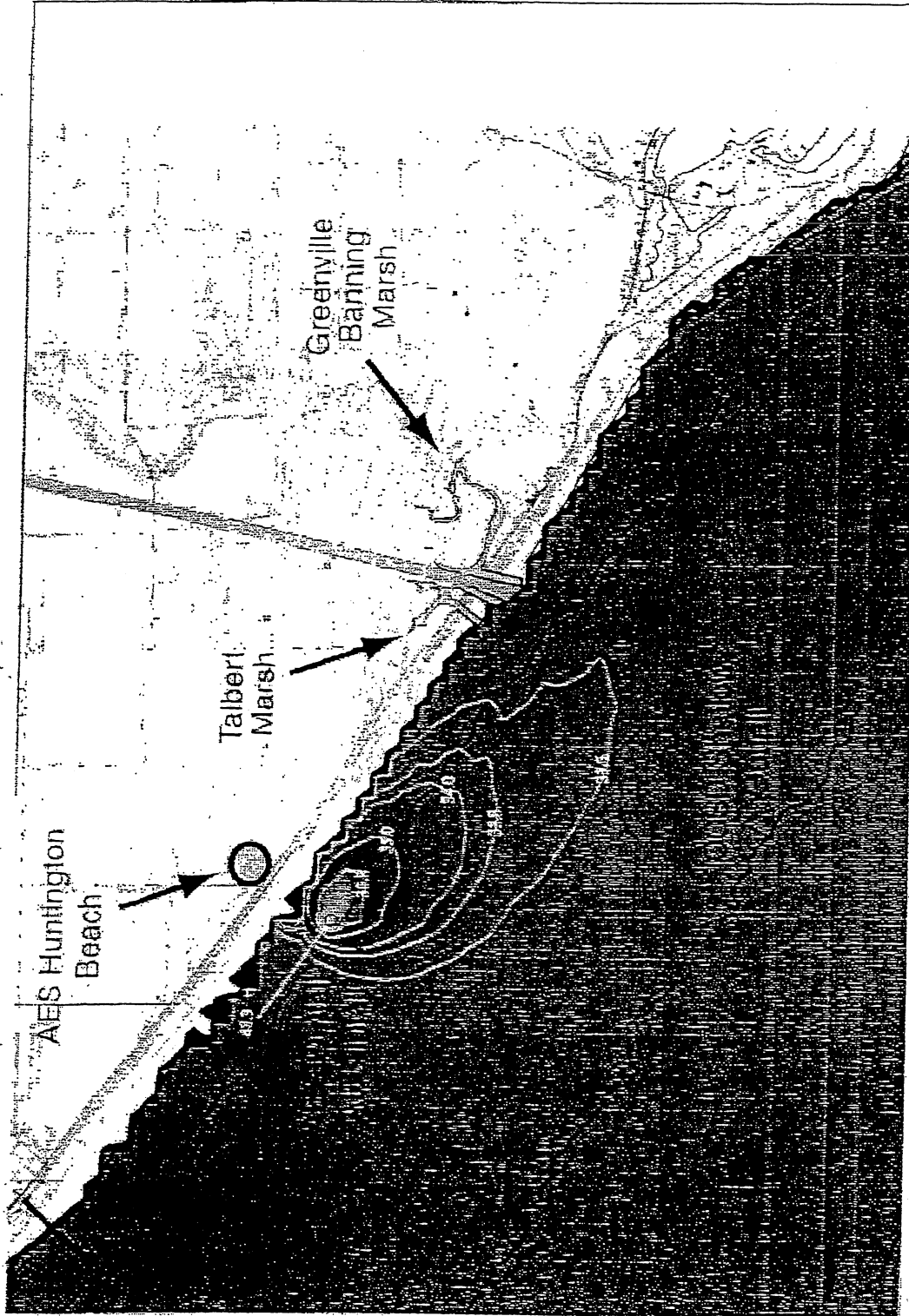


Figure 1. 30 day average of salinity on sea bottoms for concentrated sea water from R.O. = 50 mgd, Plant Flow Rate = 126.7 mgd, summer conditions.

Stacy, Posidon Reservoir Corporation, August 2002



RBF
CORPORATION

REGULATORY DIVISION
501-54-0200

POSEIDON SEAWATER DESALINATION PROJECT Projected Seafloor Salinity At the AES Outfall - "Worst Case" Scenario

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July 22, 2003

Randy Kokal, Chairman, And Planning Commissioners
Huntington Beach Planning Commission
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92647

Re: Poseidon EIR

Request analysis public versus private ownership of public water

Dear Chairman Kokal, and Huntington Beach Planning Commissioners:

Regarding the Poseidon EIR, I would like to request that further analysis be done concerning the implications of private versus public ownership and dealership of ocean water, and oversight and responsibilities concerning the public trust of a resource owned by the public, that is, our ocean water.

My concerns are as follows:

1. Public service sector responsibilities, such as community water systems and services, should not be turned over to for-profit corporations as a matter of sound public policy and for some very practical reasons.
2. Water and access to clean water to meet human needs must be treated as a right and should NOT be treated as a commodity that can be traded for profit.
3. Corporations exist to maximize profits for their shareholders and not to do what is in the best interest of the community or the environment. This is simple fact because that is the nature of legal entities known as corporations. The responsibility of the directors and officers of the corporation is to maximize return on investment. That is their mission and affects the way business is conducted, expenditure decisions are made, and how they address, in the water service area, doing what is or is not in the best interest of the consumer, the community and the environment.
4. If corporations are allowed to own and operate and profit from water services they will invariably bring pressure to bear to expand service area, rates and consumption to the detriment of sound environmental stewardship. Examples include the lack of incentives to promote water conservation, enhance water quality, minimize growth-inducing effects, and to maximize protection of public safety. Environmental protections and other safeguards will most likely be limited to the minimum that government regulations require or what marketing and tax write downs offer as benefits.
5. Water is a public trust resource, especially ocean waters, and should not be expropriated by private business for profit.

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6. Public water systems are possible targets of terrorism and it is necessary and appropriate to expect the owner-operator to take the initiative to ensure public safety by guarding against attack or contamination. Public agencies do so as a matter of responsibility and duty notwithstanding the costs involved. Private corporations are not driven by similar considerations. It is unreasonable and naive to expect private entities that are in the business of providing public water services for profit to do anything above and beyond the minimum necessary to protect the systems. Doing otherwise would reduce profits.

7. The consumer is not protected against unreasonable rate increases if it were solely up to corporations. Experience shows that where corporations operate water systems for public use they invariably push for higher rates.

8. It is not clear whether water services will be encompassed in new international trade agreements currently being negotiated. If such services are included, state and local regulations would be subject to challenge and could be trumped by such trade agreements. Complaints filed by multinational corporations challenging state and local regulations intended to protect public safety, health and welfare, including environmental protections (e.g., water conservation measures, limits to service area to guard against adverse environmental impacts stemming from the growth-inducing effects of the system) would be resolved through secret trade dispute resolution tribunals established by the WTO or other international trade organization. Public water agencies would NOT be subject to international trade agreements while the investment and operational activities of multi-national corporations to maximize return on investment would be. Experience around the world shows a growing number of examples where multi-national corporations that were given approvals to operate water services for public consumption are taking the country in which their investment is made before international trade tribunals to seek compensation for lost profits as a result of some state or local government action protective of local community values.

Why would a public governing body, like a city or county or even a state, knowingly put its residents in harm's way even where such harm is merely potential at this time? Longer range thinking is essential and the question must be asked whether privatization of public water services is in the long-term best interest of the public.

Why should investment ventures for private profit benefit at public expense? Are we as a society so poor or so desperate that we need to turn over the keys of control over what the United Nations has recognized as a fundamental human right, access to drinking water, to amoral, self-serving corporations that do not and cannot place community best interests above those of the bottom line?

Please address these comments in the revised EIR and in your deliberations concerning the wisdom of granting the permits to the Poseidon desalination firm.

Thank you.

Sincerely,



Jan D. Vandersloot, MD

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St. Petersburg Times ONLINE TAMPA BAY**Click Here.****Direct Here.**[Weather](#) | [Sports](#) | [Forums](#) | [Comics](#) | [Classifieds](#) | [Calendar](#) | [Movies](#)**Desal builder files for bankruptcy**

Covanta Tampa Construction becomes the third contractor to do so. Tampa Bay Water views the move as a way to prevent being fired from the \$110-million job.

By CRAIG PITTMAN, Times Staff Writer
Published October 30, 2003

The builder of the area's huge desalination plant filed for bankruptcy Wednesday, preventing Tampa Bay Water from firing the company and hiring someone else to finish the \$110-million job.

Construction of the Apollo Beach plant was completed last spring, but sporadic water production has required further work.

Tampa Bay Water is counting on the plant to produce a sixth of the utility's needs - or, about 25-million gallons out of 150-million gallons a day.

But for the past five days the plant has not cranked out a single drop, utility officials say.

This marks the third bankruptcy associated with the construction of the desal plant, which ultimately is expected to be the largest in the United States. Two previous contractors, including the parent company of the one that filed Wednesday, also declared bankruptcy.

Covanta Tampa Construction filed for Chapter 11 bankruptcy in New York City, even as company officials were negotiating with Tampa Bay Water officials to avoid being fired in two weeks.

"To us this amounts to a betrayal of the public trust," said Tampa Bay Water general counsel Don Conn.

That's not the way Covanta officials see it. They say by filing for bankruptcy, they have guaranteed that they will finish the plant with no increase in cost, rather than some other contractor stepping in and doing the job for more money.

Covanta has two dozen employees working on the plant every day, trying to get it running, and this way they aren't distracted by the prospect of losing their jobs, said Covanta vice president Scott Whitney.

"We're the only ones doing anything productive," Whitney said. "Tampa Bay Water seems to be focused on public relations and finding a way to terminate our contract."

Begun two years ago, the plant is supposed to take 40-million gallons of seawater each day from Tampa Electric Co.'s Big Bend power plant next door and force it through 10,000 tightly woven membranes to produce 25-million gallons of potable water and 15-million gallons of brine.

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The water goes to Tampa Bay Water's 2-million customers, while the brine is mixed with the electric company's regular discharge into Tampa Bay.

The plant's original contractor, Stone & Webster, went bankrupt in 2000. A year later its replacement, Covanta Energy, filed for Chapter 11 too. Tampa Bay Water stuck with the company, which the utility's general manager, Jerry Maxwell, defended as the only way to keep construction moving forward.

At Tampa Bay Water's insistence, Covanta created a subsidiary that would continue building the plant.

That subsidiary, Covanta Tampa Construction, has one asset: the contract to build the desal plant.

"It has no other existence on Earth," Maxwell said earlier this week. "If they bankrupt it, they will prevent us from going in and effecting a repair."

Although construction is done, the key to completing the plant is a 14-day test to show that everything is running smoothly.

Covanta ran the test in May but failed to satisfy Tampa Bay Water, which was concerned about problems that could drive the operating cost above the budgeted \$10-million a year.

It noted 17 problems, not the least of which was the filters clogging more frequently than expected, which required cleaning more often and with a stronger solution.

Covanta officials have blamed the clogging on Asian green mussels that stick to the intake grates.

The need to change and increase the cleaning solution for the membranes caused a bigger problem. Hillsborough County balked at allowing large quantities of the cleaning solution to be disposed of in its sewer system, so Covanta was forced to store 2-million gallons in tankers parked around the site - a glitch Covanta blamed on Tampa Bay Water.

In June, the utility gave Covanta until Sept. 30 to successfully complete the 14-day test. When Covanta failed to meet that deadline, Tampa Bay Water's board voted to find the company in default of its contract.

A default meant the company would face \$465,000 in fines, as well as a requirement that it hand over 306-million gallons of free water. But it would still have until Nov. 17 to fix the problems.

If Covanta still had not completed the test successfully by Nov. 17, though, the board said it would fire Covanta and use a \$23-million performance bond - guaranteeing the completion of the plant - to hire a replacement to finish the work.

Conn, general counsel for Tampa Bay Water, said that during negotiations on Tuesday Covanta officials said they could not start the two-week test on Nov. 3, the last possible date on which to start and still finish the test by Nov. 17.

Conn said the bankruptcy filing appeared to be a defensive action "to protect them from inevitable termination."

Because the company's sole asset is its Tampa Bay Water contract, any attempt to fire Covanta requires approval of the bankruptcy court judge, Conn said.

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The same goes for the \$23-million performance bond: Tampa Bay Water cannot claim that money without getting a judge's approval.

The company filed for bankruptcy in New York because that's where its parent company filed too, Whitney said.

The New York City bankruptcy court "is a very popular destination for bankruptcy filings," Whitney said, so getting a hearing could take a while.

Since all the company's assets are in Florida, though, Tampa Bay Water may file an emergency motion to move the case here, as well as challenging whether the company can really call itself bankrupt at this point, Conn said.

- Times staff writer John Hill and researcher Caryn Baird contributed to this report.

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SUGGESTED FINDINGS FOR DENIAL, CONDITIONAL USE PERMIT NO. 02-04/ COASTAL DEVELOPMENT PERMIT NO.02-05

GGESTED FINDINGS FOR DENIAL -CONDITIONAL USE PERMIT NO. 02-04:

Conditional Use Permit No.02-04 for the establishment, maintenance and operation of a seawater desalination plant producing million gallons per day (MGD) and up to four miles of water transmission lines will be detrimental to the general welfare of sons working or residing in the vicinity or detrimental to the value of the property and improvements in the area because:

The proposed desalination plant will take 100 MGD of raw seawater from the Pacific Ocean through the existing AES generating station intake line and discharge 50 MGD of brine thereby increasing the ocean water salinity which will have a ative effect on local beaches.

The proposed desalination plant will utilize the existing AES intake and outfall, which are outdated.

The conditional use permit will be incompatible with surrounding uses because the proposed project is an industrial use within se proximity to sensitive residential uses. It will also discharge brine into the ocean in close proximity to a wetlands area.

GGESTED FINDINGS FOR DENIAL -COASTAL DEVELOPMENT PERMIT NO.02-05:

Coastal Development Permit No.02-05 for the development of the desalination plant and approximately one mile of water usmission lines within the Coastal Zone, does not conform to the goals and policies of the General Plan, including the Local istal Program and Coastal Element as follows:

6.1.1 -Require that new development include mitigation measures to enhance water quality, if feasible; and, at minimum, vent degradation of water quality of groundwater basins, wetlands, and surface water .

proposed desalination plant further degrades the ocean water quality and may have an impact on the adjoining wetlands.

6.1.2- Marine resources shall be maintained, enhanced, and where feasible, restored.

proposed desalination plant further degrades marine resources.

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three cold-water events occurred at the intake mooring (water temperature less than 13.5°C), indicative of sub-thermocline water. Corresponding temperatures in the intake vault were lowered, suggesting partial entrainment of sub-thermocline water by the AES HBGS. As part of this investigation, ammonia sensors were to be deployed on moorings and in the intake vault, however technical limitations of the equipment prevented the successful deployment of the ammonia sensors, consequently ammonia samples were collected from four locations within the AES HBGS facility (discharge vault at zero-feet, ten-feet, and 30-feet depths, and the intake vault).

Based on the results collected in this study the following conclusions have been made:

- ★ • Sub-thermocline water is occasionally entrained into the AES HBGS intake. During this study there were no specific indications that the intake water contained part of the OCSD plume. However one event in August and three brief events in September demonstrated (brief) entrainment of sub-thermocline water into the intake vault. The mechanism required to support the Grant Hypothesis has been demonstrated on four brief occasions in this study;
- Concentrations of bacteria introduced to the AES HBGS from the ocean do not increase significantly in numbers during passage through the cooling water system prior to discharge;
- ★ • Land-based sources of bacteria (particularly BID and BFW) do enter the discharge vault and are discharged to the ocean, but not at concentrations high enough to contribute significantly to bacterial contamination of the surf zone of Huntington State Beach; and
- The sanitary sewers within the HBGS are not connected to, or leaking into the discharge vault.

Because of the microbial and oceanographic results presented in this study further investigation of the role of the AES HBGS facility in surf zone water quality of Huntington State and City Beaches is not recommended at this time.

As a general principle, discharges of fresh-water through the AES HBGS discharge vault and outfall should be minimized. Any revisions to the discharge limits for the AES HBGS should be determined as a result of a complete review of all available studies including this report during the NPDES permit renewal process (2004-2005). Additional recommendations include diverting the storm drains to an adjacent sanitary sewer line, and treating runoff within the AES HBGS to remove contaminants (including heavy metals and bacteria).

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LEGEND

- San Jose Water Treatment Plant
 - Komex Sample
 - Komex Sample
 - Komex Sample
 - Komex Sample
 - OCSD Sample
 - OCSD Sample
 - OCSD Sample
- Low Concentrations
Elevated Concentrations
AB 411 Exceedance
Elevated Concentrations
AB 411 Exceedance

Response No. 48

Jan D. Vandersloot

- 48a. The commenter encloses comment letter dated November 16, 2003 with attachments. In accordance with CEQA Guidelines Section 15088.5, those who desired to comment on the DREIR were directed to submit new comments. Accordingly, comments received during the earlier circulation period do not require any response. "The lead agency need only respond to those comments submitted in response to the recirculated revised EIR."

Although responses to the prior comment letters were previously made and are not required for the DREIR, each of the prior comments has again been responded to here. Refer to Responses 48i through 48af, below

It is important to note that the *AES Huntington Beach Generating Station Surf Zone Water Quality Study (Final Draft)*, 2003 prepared by Komex H₂O Science, Inc. was incorporated by reference into the DREIR. The commentator makes specific comments with regards to pages 2-9, 4-19, 4-20, 5.10-2, 5.10-5, and 5.10-27. The commentator is correct in stating that the Komex study states: "Land-based sources of bacteria (particularly BD and BFW) do enter the discharge vault and are discharged to the ocean, but not at concentrations high enough to contribute significantly to bacterial contamination of the surf zone of Huntington State Beach...." However, it would be misleading to state that bacteria from HBGS reaches the surf zone and contributes to the beach contamination problem as suggested by the commentator. As pointed out by the Komex study and shown in Figure 4-3 of the DREIR, the primary source of bacteria that comes out of HBGS' discharge is not from the generating station but rather from off-site urban runoff.

- 48b. Two scenarios are proposed for the washwater disposal process, as a result of cleaning the RO membranes. The "first flush" cleaning solution discharge would either be neutralized and conveyed to the OCSD wastewater treatment facility for disposal or neutralized, blended with the desalination concentrate and discharged through the HBGS outfall. Subsequent rinses under either scenario would be neutralized and blended with desalination concentrate for discharge through the HBGS outfall. In addition, refer to Response to 17k, above.

Note that the membrane cleaning process would utilize chemicals such as citric acid, hydrochloric acid, low-concentration caustic soda, and mild detergents (all of which are similar to household cleaning products). Any bacteria that survive the RO filtration process would be killed during membrane cleaning activities, and would not lead to bacterial contamination of the ocean.

- 48c. The DREIR acknowledges that, under extreme conditions, there is a possibility that the OCSD wastewater discharge could reach the HBGS intake. However, even under such an extreme scenario, the OCSD discharge would be diluted 30 million to one and would not be a significant source of contamination at the HBGS intake. Any bacteria associated with the OCSD discharge would be

- removed through the RO filtration process. In addition, refer to Response 21f, above.
- 48d. Regardless of whether the OCSD discharge is the cause for bacterial contamination problems at Huntington Beach, the proposed project has the ability to filter bacteria and produce potable water meeting all regulatory drinking water standards.
- 48e. Comment noted. The intent of the DREIR was not to determine the cause of high bacterial levels near the shore of Huntington Beach, but evaluate potential contamination sources to the source water for the desalination facility. Refer to Responses 48c and 48d, above.
- 48f. The number of reverse osmosis membranes per RO train are 1,328. The total number of installed RO membranes is 13 RO trains x 1,328 = 17,264.
- 48g. The proposed project would not alter HBGS operations, including nighttime operations. Refer to Response 1g, above.
- 48h. This paragraph provides a conclusion to the comment letter and does not require a response.
- 48i. This text provides an introduction to the comment letter and does not require a response.
- 48j. Refer to Response 48a, above.
- 48k. Refer to Response 48c, above.
- 48l. Refer to Responses 2aq, 33f and 48c, above.
- 48m. This text provides a conclusion to the comment letter and does not require a response.
- 48n. The numerous issues raised regarding bacteria levels off-shore of Huntington Beach are noted. However, it is important to restate that the intent of the DREIR was not to determine the cause of high bacterial levels near the shore of Huntington Beach, but evaluate potential contamination sources to the source water for the desalination facility. Refer to Responses 48c and 48d, above.
- 48o. The Executive Summary for the *Review Panel Comments on the Huntington Beach Phase III Final Draft Report* is noted. No response is necessary.
- 48p. See DREIR page 4-19 and refer to Response 48n, above.
- 48q. Refer to Response 1g, above.
- 48r. Refer to Response 1g, above.

- 48s. Mitigation measures that the project applicant would be responsible for implementing are stated within the DREIR. Additional mitigation requirements may apply at the discretion of regulatory agencies during the permit acquisition process.
- 48t. The proposed project would be subject to the same requirements and regulations that a similar publicly-owned facility would be subject to, regardless of international or multinational ownership. In addition, refer to Response 2aq, above.
- 48u. Refer to Response 48s, above.
- 48v. Refer to Response 48s, above.
- 48w. Alternative locations are analyzed within the DREIR within Section 7.0, *ALTERNATIVES TO THE PROPOSED PROJECT*. The OCSD facility is not analyzed, since adequate land is not available (refer to page 7-6 of the DREIR).
- 48x. As noted on Page 7-21 of Section 7.0 of the DREIR, the OCSD discharge alternative was rejected by the OCSD staff because of capacity constraints at the OCSD facility.
- 48y. Salinity impacts are analyzed within Section 5.10 of the DREIR, *OCEAN WATER QUALITY AND MARINE BIOLOGICAL RESOURCES*. Under a “low flow” scenario, mid-depth salinity would drop to 10 percent above background salinity within 1,200 feet of the HBGS outfall. Under an “average flow” scenario, mid-depth salinity would drop to 10 percent above background at only 430 feet. Such an increase is not expected to affect recreational users.
- 48z. This text provides a conclusion to the comment letter and does not require a response.
- 48aa. The graphics attached to the commentator’s letter have been noted.
- 48ab. This paragraph provides an introduction to the comment letter and does not require a response.
- 48ac. Refer to Responses 2aq and 20s, above.
- 48ad. The commentator’s attachment to the comment letter is noted. Refer to Response 17d, above.
- 48ae. The information provided in this comment is not relevant to the DREIR, and does not require a response.
- 48af. The commentator’s attachment is noted. No response is necessary.

MAY 23, 2005

TODD VAN ETTEN
26318 MISTY ELEN
LAKE FOREST, CA 92630

City of Huntington Beach

MAY 27 2005

CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648
ATTEN: RICKY RAMOS.

RE: PROPOSED DESALINATION POSEIDON PLANT

DEAR SIR:

AS A LIFETIME RESIDENT OF ORANGE COUNTY, AND A FREQUENT VISITOR TO HUNTINGTON BEACH, I URGE YOU TO PLEASE OPPOSE THE PROPOSED DESALINATION PLANT.

POSEIDON'S OVER-PRICED CONSTRUCTION AND PERFORMANCE RECORD IN TAMPA BAY, FLORIDA SPEAKS FOR ITSELF.

POSEIDON'S PROPOSED PLANT LOCATION IS A THREAT TO TOURISM IN HUNTINGTON BEACH. THE PROPOSED LOCATION IS A BLOCK AWAY FROM THE RECENTLY BUILT RESORT ON BEACH BOULEVARD AND PACIFIC COAST HIGHWAY.

THE PROPOSED POSEIDON PLANT WOULD CAUSE THE AES POWER PLANT TO RUN CONTINUOUSLY, WHICH WOULD CAUSE MORE NOISE AND AIR POLLUTION TO THE ADJACENT NEIGHBORHOODS AND RESORT, AS WELL AS POLLUTING THE OCEAN OFF HUNTINGTON BEACH.

THE PROPOSED POSEIDON PLANT DOES NOT SERVE THE INTERESTS OF HUNTINGTON BEACH RESIDENTS, BUT INSTEAD WOULD FURTHER DEVELOPMENT OF ORANGE COUNTY - ALREADY THE SECOND MOST DENSEST POPULATED COUNTY IN THE STATE OF CALIFORNIA. THE PROPOSED DESALINATION PLANT WOULD MEAN TEARING UP MILES OF STREETS IN HUNTINGTON BEACH IN ORDER FOR THIS PLANT TO SERVE ITS CUSTOMERS. HUNTINGTON BEACH CITIZENS WOULD SUFFER WITH ALL THE TRAVEL INCONVENIENCE TO PLACES OF WORK AND SHOPPING, THEN WOULD HAVE TO SUFFER WITH ALL THE SUBSEQUENT POLLUTION OF THIS PLANT IN A LOCATION THAT IS ALREADY FRAUGHT WITH POLLUTION PROBLEMS TO BEGIN WITH. PLEASE DO NOT MAKE HUNTINGTON BEACH CITIZENS AND THEIR ECOLOGY SUFFER FOR SOMEONE ELSE'S PROFIT.

THE CLAIM THAT WE NEED MORE WATER IS MISLEADING. ACCORDING TO DWR, CALIFORNIANS USE THE SAME AMOUNT OF WATER AS 1995, BUT SERVE 3.5 MILLION MORE PEOPLE. ACCORDING TO THE PLANNING AND CONSERVATION LEAGUE REPORT, CALIFORNIA CAN MEET ITS NEEDS FOR 30 YEARS THROUGH ENVIRONMENTALLY SAFE AND COST EFFICIENT WATER CONSERVATION.

THANK YOU FOR TAKING THESE COMMENTS INTO CONSIDERATION.

SINCERELY,



Response No. 49

Todd Van Etten

- 49a. Refer to Response 17d, above. The author's comment regarding impacts to tourism does not contain a specific comment relevant to the DREIR, and cannot be responded to.
- 49b. Refer to Response 1g, above.
- 49c. Refer to Responses 2ar and 2as, above. In regards to pipeline construction impacts, implementation of product water pipeline would require approval prior to construction. The construction process would be subject to such measures as the exclusion of construction during rush hour periods, preparation of a Traffic Management Plan, and roadway re-striping, among others. The project applicant would consult with the City during final design to ensure that adverse impacts are minimized to the maximum extent practicable. Additional mitigation measures to minimize impacts to sensitive receptors are included in Section 5.9, *CONSTRUCTION RELATED IMPACTS* of the DREIR.
- 49d. Refer to Response 24a, above.

From: Kris Westwell [krisw@truwest.com]
Sent: Wednesday, May 25, 2005 5:42 PM
To: rramos@surfcity-hb.org
Cc: jflynn@surfcity-hb.org; lehring@surfcity-hb.org
Subject: Desal EIR Comments

I feel the Poseidon Desalination project EIR fully identifies all of the impacts of the project and find it to be adequate and complete and encourage you to support staffs recommendation to accept the recirculated EIR as adequate and complete.

a

I urge you to vote yes and approve the Poseidon Desal EIR.

Thank you.

Kris Westwell
17171 Englewood Cr.
HBCA 92647
krisw@truwest.com
714.842.4075

Response No. 50

Kris Westwell

- 50a. The author expresses support for the proposed project. No response is necessary.

From: Norm Firecracker Westwell [normw@modernpublic.com]
Sent: Wednesday, May 25, 2005 1:35 PM
To: ramos@surfcity-hb.org
Cc: jflynn@surfcity-hb.org; lehring@surfcity-hb.org
Subject: Poseidon Desal EIR 00-02 Comments

Support for approval of EIR 00-02 Saltwater Desalination Facility.

I have read and understand the recirculated EIR 00-02 for the saltwater desalination project and find the document to be both adequate and complete.

While it is acknowledged that any project will have some impact on our community, the negative impacts identified in the EIR are negligible. The benefits our city and its residents will receive will greatly exceed the insignificant impacts identified.

This is a positive project for HB because it will:

- Not cost taxpayers or the city one penny. The project is privately funded. There is no cost to taxpayers and no financial risk for the city.
- Clean up and improve the existing site.
- Provide street improvements to Newland St.
- Enhance public safety. The HB Water Master Plan identifies our water storage capacity as inadequate. This project will create an additional 10 million gallon water storage tank valued at \$14 million at no cost to taxpayers and will provide emergency water to S.E. HB.
- Foster increasing prosperity by directly and indirectly creating new employment opportunities in HB.
- Will create a new city government revenue stream of \$1.8 million annually which we desperately need to maintain services.

- Save residents money. The copper pipes used throughout HB will last longer due to the less aggressive water produced by the desal plant. All HB residents will directly benefit from reduced plumbing maintenance expenditures resulting from deteriorating copper pipes.
- Government studies confirm that conservation alone will not be adequate to provide for our future water requirements here in our desert community of HB. In addition, conservation reduces water and sewer tax revenues the city receives. Utilizing our local natural resource to enhance the lives of our citizens is responsible, practical and economical and will benefit our residents.

b

In summary, I fully support the HB staff recommendation to accept the recirculated EIR as adequate and complete and strongly urge the approval of this EIR to move the project forward so our citizens will soon enjoy the benefits of utilizing the one natural resource available to us, the ocean.

c

Norm "Firecracker" Westwell
17171 Englewood Cr.
HBCA 92647
714.842.4075

=====
Norm Firecracker Westwell
normw@modernpublic.com
www.modernpublic.com

Response No. 51

Norm "Firecracker" Westwell

- 51a. This text provides an introduction to the comment letter and does not require a response.
- 51b. The author expresses his support for the proposed project. No response is necessary.
- 51c. This text provides a conclusion to the comment letter and does not require a response.

COMMENT 52

May 27, 2005

Ricky Ramos
City of Huntington Beach Planning Department
2000 Main St.
Huntington Beach, California
92648
FAX 714-374-1540

RE: EIR for proposed desalinization plant

Dear Planning Department:

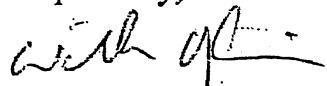
Please listen to the voices of HB residents as we plead with you to reject the latest EIR from Poseidon towards the building of a desalinization plant. The overall negative impact on the local quality of life and natural resources is still, even in this revised EIR, too great to responsibly allow the project to proceed.

The track record of Poseidon does not inspire confidence. If history teaches us anything it is that HB taxpayers and water districts will ultimately be burdened with the financial and engineering wreckage that Poseidon will leave behind. Whatever long-term city revenue hopes we might expect from this project will come to naught, as with Tampa Bay.

In particular, the southeast corner of HB will be relegated to further industrialization contrary to the wishes of the residents as they have been consistently expressed for over 30 years.

In sum, there is nothing good for HB about the proposed desalinization project. Please turn it down.

Respectfully,


William Yarchin
9291 Hudson Drive
Huntington Beach, CA
92646

Response No. 52

William Yarchin

52a. Refer to Responses 17d and 35a, above.

3.0 ERRATA TO DREIR TEXT

Changes to the EIR are noted below. Additions to the text are indicated with underlining (example). Deletions to the text are indicated with stricken text (~~example~~). Changes have been analyzed and responded to in Section 2.0, Responses to Comments. The changes to the EIR do not affect the overall conclusions of the environmental document. Changes are listed by page and where appropriate by paragraph.

NOTE TO REVIEWER:

This Errata has been prepared in response to comments received on the DREIR, which was available for public review from April 5, 2005 to May 27, 2005. Additional editorial corrections have been initiated by City staff. These clarifications and modifications are not considered to result in any new or greater impacts than identified in the DREIR. To avoid redundancy, it should be assumed that additions, modifications, or deletions of text within Sections 5.1 through 5.11 of the DREIR, when applicable, are reflected in Section 1.0, *EXECUTIVE SUMMARY*.

Page 1-3, ENVIRONMENTAL SUMMARY

LAND USE

"The proposed desalination facility is not anticipated to create any impacts to surrounding uses with regards to air quality, noise, aesthetics, hazards and hazardous materials, and short-term construction. **Significance: Less than significant with mitigation.**"

Page 1-14, ENVIRONMENTAL SUMMARY

TRAFFIC

"CON-31 A Traffic Management Plan (TMP) shall be prepared and implemented to the satisfaction of the affected jurisdiction within which the facilities are to be constructed when the facilities are to be located where construction would affect roadways. The TMP shall include, but not be limited to, the following measures:

- ❖ Limit construction to one side of the road or out of the roadbed where possible;
- ❖ Provision of continued access to commercial and residential properties adjacent to construction sites;
- ❖ Provide alternate bicycle routes and pedestrian paths where existing paths/routes are disrupted by construction activities, if any, and prior to initiating construction, the public shall be notified as to which bicycle routes will be disrupted and when construction will commence;
- ❖ Submit a truck routing plan, for approval by the City of Huntington Beach, County, and other responsible public agencies in order to minimize impacts from truck traffic during material delivery and disposal;
- ❖ Prior to any partial or full closure on a street within the city of Costa Mesa's limits, a detour plan shall be submitted to the city for approval by the City Transportation Services Manager. Where construction is proposed for two-lane roadways, confine construction to one-half of the pavement width. Establish one lane of traffic on the other half of the roadway using appropriate construction signage and flagmen; ~~or submit a detour plan for approval by the City Traffic Engineer;~~

- ❖ The ~~Traffic Management Plan~~TMP shall be approved by affected agencies at least two weeks prior to construction. ~~Per Caltrans requirements, t~~The applicant shall submit the Traffic Management PlanTMP to Caltrans and the city of Costa Mesa at the 90-percent design phase;
 - ❖ Construction activities shall, ~~to the extent feasible,~~ be coordinated with other construction activity taking place in the affected area(s); and
 - ❖ Provide for temporary parking, where necessary, during installation of pipelines within the AES site.
- CON-32 Prior to initiating the removal of structures and contaminated materials, the contractor must provide evidence that the removal of materials would be subject to a traffic control plan, for review and approval by the by the City of Huntington Beach Department of Public Works. The intent of this measure is to minimize the time period and disruption of heavy duty trucks. For all work done in the City of Costa Mesa, the project applicant shall receive approval from the Costa Mesa Public Services Department.
- CON-33 Construction related activities would be subject to, and comply with, standard street use requirements imposed by the City of Huntington Beach, County and other public agencies, including the use of flagmen to assist with haul truck ingress and egress of construction areas and limiting the large size vehicles to off-peak commute traffic periods. For all work done in the City of Costa Mesa, the project applicant shall receive approval from the Costa Mesa Public Services Department
- CON-34 The Contractor shall obtain the necessary right-of-way encroachment permits and satisfy all permit requirements. Nighttime construction may be performed in congested areas. Also, any nighttime construction activities shall have prior approval by the City of Huntington Beach Department of Public Works. Any nighttime construction activities in the City of Costa Mesa shall receive approval from the Public Services Director.
- CON-35 During periods of heavy equipment access or truck hauling, the Contractor would provide construction traffic signage and a construction traffic flagman to control construction and general project traffic at points of ingress and egress and along roadways that require a lane closure.
- CON-36 The proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction related impacts to adjacent residents and the surrounding area. The plan shall take into consideration any street improvement construction occurring in the vicinity. These plans must be submitted for approval to the Department of Public Works. The applicant shall coordinate all construction traffic related activities with Costa Mesa's Public Services Department. The construction vehicle routing plan in the City of Costa Mesa shall be submitted for approval by the City of Costa Mesa Transportation Services Manager."

Page 2-10, INCORPORATION BY REFERENCE

"... Much of Bulletin 160-98 (the update of the Water Plan performed in 1998) is devoted to identifying and analyzing options for improving water supply reliability. It should be noted that an update to Bulletin 160-98 ("Update 2005~~4~~") has commenced and a Final Water Plan Update

is anticipated to be complete in April 2005.

Public Review Draft California Water Plan Update 2005 State of California Department of Water Resources, 2005.

The Draft California Water Plan, Update 2005, assesses California's agricultural, environmental, and urban water needs and evaluates water supplies, in order to quantify the gap between future water demands and the corresponding water supplies in 2030. The series, consisting of three volumes, presents a statewide overview of current water management activities and provides water managers with a framework for making water resources decisions.

Seawater Desalination and the California Coastal Act, March 2004.

This report provides information about many of the issues related to desalination along the California coast, focused on how they relate to the Coastal Act. It summarizes the status of desalination along the coast and lists the known anticipated facilities now being planned. This document also updates the Coastal Commission's 1993 report, Seawater Desalination in California, to reflect changes in technology, improved understanding of coastal resources, and additional policy considerations of the Coastal Act. "

Page 3-5, Revised Exhibit 3-3, Conceptual Pipeline Alignments (provided on following page)

Page 3-29, New Water Transmission Pipeline

"...the pipeline would pass under the SR-55 freeway utilizing trenchless construction until it ultimately terminates at OC-44, located at the intersection of Del Mar Avenue and Elden Avenue. Refer to Table 5.9-3, *PIPELINE ALIGNMENT DETAILS*.

Primary Alternative

The primary alternative route has a length equal to that of the primary alignment (7.5 miles). However, under this alignment, the routing of the pipeline varies from the primary alignment between the intersection of the Santa Ana River channel and Adams Avenue to Placentia Blvd. Instead of further traversing Adams after the Santa Ana River, this alignment has the pipe routed south along the river to just south of Swan Lane and then east along the northern boundary of the city park until it meets the original primary alignment at Placentia Blvd. This alignment reduces congestion along Adams Avenue and utilizes some of the Santa Ana River right-of-way and the city park space. Finally, the reach (Reach 5) of pipeline on Fair Drive will be located in the center of the street between Harbor and Fairview Road and within the Orange County Fairgrounds (just north of Fair Drive) between Fairview Road and Newport Blvd. This primary alternative alignment is expected to minimize construction impacts in regards to roadway traffic and sensitive receptors."

Page 3-36, Need for the Project

"It is well established that Southern California as we know it today could not exist without the region's historic investment in numerous and varied local and imported water projects. These well-known regional water projects include: the Los Angeles Aqueduct (operated by the Los Angeles Department of Water and Power); the State Water Project (operated by California Department of Water Resources [DWR]); and the Colorado River Aqueduct (operated by MWD), as well as award-winning conservation, recycling and other local water supply projects. MWD continues to encourage the development of local water projects..."

Page 3-37, The Project Provides a Drought-Proof Water Supply

"California has not experienced the hardships and environmental pressures of a prolonged drought since the early 1990s, but experts agree that similar or worse conditions of unreliable water supplies can and would reoccur. However, it is recognized that Southern California, being in a semi-arid region, periodically experiences droughts that could be prolonged. During long or extreme droughts, water supplies are less reliable reduced, groundwater levels decline and conflicts increase among water users. Business is also adversely affected, jeopardizing the economy and ecosystems are strained..."

Page 3-37, The Project Provides a Drought –Proof Water Supply

"~~Other Recent~~ changes (primarily improvements in infrastructure) would should make it easier to respond to future drought conditions. Completion of ~~construction of the Coastal Aqueduct (DWR), the Morongo basin pipelines (Mojave Water Agency), Diamond Valley Lake (MWD), Los Vaqueros Reservoir (Contra Costa Water District), and five large-scale groundwater recharge/storage projects should add flexibility in operating California's water system.~~

"The Draft 2004 California Water Plan Update 2005 recognizes that one of the potential benefits that seawater desalination can provide is "increased water supply reliability during drought periods." (Draft California Water Plan Public Review Draft of the California Water Plan Update 2005, Volume 2, Resources Management Strategies, Desalination, page 3.) "The primary benefit of desalting is to increase California's water supply. Seawater desalting creates a new water supply by tapping the significant supply of feedwater from the Pacific Ocean" (page 3). Because the supply available from the Pacific Ocean is not affected by drought conditions, the Seawater Desalination Project at Huntington Beach would add even more flexibility in operating California's water system, and would provide particular drought protection relief in Orange County."

Page 3-38, NEED FOR THE PROJECT

"...Huntington Beach would add even more flexibility in operating California's water system, and would provide particular drought protection in Orange County.

B. The Project Provides a Water Supply to Ensure Reliability to Handle Uncertainties~~The Project Provides a Replacement Water Supply~~

Although Orange County has made a significant financial investment in the regional imported water system (through ongoing ~~contributions water purchases to from~~ MWD), and the system has historically met all of Orange County's water supply needs..."

Page 3-38, The California Water Plan, Footnote 2

"In 1957, the Department of Water Resources published Bulletin 3, the California Water Plan. Bulletin 3 was followed by the Bulletin 160 series. The Bulletin 160 series was published six times between 1966 and 1993, updating the California Water Plan. A 1991 amendment to the California Water Code directed the Department to update the plan every five years. Bulletin 160-98 (the 1998 Plan) is the latest adopted plan in the series. In April 2005, after this Draft EIR went to print, DWR released the public review draft of the latest California Water Plan – Update 2005. However, the 2004 Water Plan Update has been available in draft form for several months. The 2004 Plan Update 2005 will not be adopted until Fall 2005. This EIR presents information provided in both the 1998 Plan and the draft 2004 Plan public review draft of Update 2005."

Page 3-38, The California Water Plan

“...Senate Bills (SB) 221 and 610, which became effective January 1, 2003, require demonstration of water supply reliability prior to development.

In the ~~2004 Plan~~Update 2005, DWR and water industry stakeholders wanted a more comprehensive analysis that included economics, water quality, and environmental and social considerations rather than focusing on the water budgets presented in Bulletin 160-98. As explained by DWR, this goal was not realized.

“The analytical work could not be completed for use in this [20045] water plan update. Without this analysis, ~~Update 20045~~ lacks the information to make the types of regional-specific water budget comparisons afforded by Bulletin 160-98. However, ~~Update 20045~~ provides qualitative discussions and presents the analytical approach for use in ~~Update 200810~~ and beyond. If the past is any indication, we expect the analytical approach to continue to evolve long after ~~Update 200810~~ is completed.” (Draft ~~Update 20045 Plan~~, Volume 1, Chapter 34, Box 3-xx4-3, “Evolving Analytical Approach” page 4-33).³

Page 3-38, The California Water Plan, Footnote 3

“The California Water Plan, Update 2005, Volume I — The Strategic Plan, Chapter 34, Planning for an Uncertain Future, Internal Public Review Draft, June 24 April, 20054.”

Page 3-39, The California Water Plan

“The draft ~~Update 20045 Plan~~ extended the planning period to 2030, and includes an estimated population increase of 14 million people, from about 34 million to 48 million. (Volume 1, Chapter 23, page 23-3, fn 2.) The draft ~~Update 20045 Plan~~ also employs “a new analytical approach to be refined over the next several years and to be used in preparation of California Water Plan Update 2008. The major change in this analytical approach from past water plan updates is the evaluation of for multiple plausible future base conditions (scenarios) rather than a single projected future.” (Volume 1, chapter 34, Box 4-3, page 44-33.)

DWR considered numerous factors that could vary in the future and developed three future scenarios (that would be used to begin the analysis for water plan ~~Update 200810~~).

- Scenario 1—Current Trends: Continue based on recent current trends continue for population growth, agricultural and industrial production and water conservation with no big surprises.
- Scenario 2—Less Resource Sustainability Intensive: California is more efficient in 2030 water use than today while growing its economy and restoring its environment recent trends continue for population growth, agricultural and industrial production, with more environmental water dedication and more naturally occurring water conservation.
- Scenario 3—More Resource Intensive: California is highly productive, respectful of the environment, yet less efficient in 2030 water use than today higher population growth, agricultural and industrial production, with no additional environmental water dedication and less naturally occurring water conservation.

(The three scenarios are listed in the draft ~~Update 20045 Plan~~, Volume 1, Chapter 34, Pages

144-9 and 10.)

While the analysis is not yet completed, numerous “Resource Management Strategies” have been identified in the ~~draft Update 20045~~ Plan to address the three scenarios. One of those strategies is seawater desalination.

The 1998 Plan recognized that “seawater desalting is sometimes described as the ultimate solution to Southern California’s water supply shortfall” (Bulletin 160-98, page 7-70), but failed to provide any projections regarding the estimated future water supply to be provided by seawater desalination projects. ~~The draft Update 20045~~ Plan surveyed “the number and capacity of seawater desalting plants in operation and in design and construction as of 2002 and plants that are currently planned or projected for construction” (Vol. 2, Resource Management Strategies, Chapter 6, Desalination, page 6-3). According to ~~Update the draft 20054~~ Plan, the following table (Table 3-2, DESALTING IN CALIFORNIA FOR NEW WATER SUPPLY) includes “the plants proposed in response to the MWD solicitation (see below) and plants in Huntington Beach, the Monterey Bay area and Marin County.

As referenced in the above table, DWR projects that a combination of six new seawater desalination facilities would provide up to 187,100 acre-feet of California’s urban water supply by 2030. ~~The same number (rounded to 200,000 acre-feet) is listed as the target amount to be produced by seawater desalination,~~ is one of the 25 “Resource Management Strategies” featured in the ~~draft Update 20045~~ Water Plan Update’s “Strategy Investment Options Summary Table.” (~~Draft Update 20045~~ Plan, Volume 42, Chapter 1, Table 1-1, page 1-4 Findings and Recommended Actions.)

Page 3-40, Table 3-2, change to table title

**Table 3-2 (from ~~Draft 2004~~ California Water Plan, Update 2005, Volume 2, Ch. 6, p. 6-3)
DESALTING IN CALIFORNIA FOR NEW WATER SUPPLY”**

Page 3-40, Southern California’s Integrated Water Resources Plan

“The 2003-IRP Update (approved by MWD in July 2004) refined the resource development targets based on changed conditions and updated the resource targets through 2025 (see Table 3-3, *UPDATED RESOURCE TARGETS [WITH SUPPLY BUFFER]*). The 2003-IRP Update continued to confirm...”¹

Page 3-44, The Project Provides a New Source to Protect Against Seawater Intrusion

~~“The 72,000 acre-feet would essentially offset the 60,000 acre-feet of imported water purchased from MWD each year by OCWD, and, when added to the normal year recharge of 290,000 acre-feet, could allow for a slight increase in available groundwater supply. The 72,000 acre-feet together with up to 60,000 acre-feet or more that could be purchased from MWD each year by OCWD and the normal year recharge of 290,000 acre-feet, could allow for an increase in available groundwater supply. However, the coastal pumping depression problem...”~~

Page 5.1-10, RELEVANT PLANNING

“...As such, the proposed desalination facility’s ocean discharge will require separate review and approval by the California Coastal Commission of a Coastal Development Permit.

¹ Due to the redundancy of this term (2003 IRP Update), the reader should assume that all changes have been made throughout the EIR.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) REGIONAL COMPREHENSIVE PLAN AND GUIDE

"Growth Management Chapter

- ❖ 3.03: The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.
- ❖ 3.18: Encourage planned development in locations least likely to cause adverse environmental impacts.
- ❖ 3.20: Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.
- ❖ 3.21: Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.
- ❖ 3.22: Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.
- ❖ 3.23: Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.

Air Quality Chapter

- ❖ 5.11: Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional, and local) consider air quality, land use, transportation, and economic relationships to ensure consistency and minimize conflicts.

Open Space Chapter

- ❖ 9.08: Develop well-managed viable ecosystems or known habitats of rare, threatened and endangered species, including wetlands.

Water Quality Chapter

- ❖ 11.07: Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.

Growth Visioning/Compass

- ❖ Principle 3: Enable prosperity for all people
 - Provide, in each community, a variety of housing types to meet the housing needs of all income levels.
 - Support the educational opportunities that promote balanced growth.
 - Ensure environmental justice regardless of race, ethnicity or income class.

- Support local and state fiscal policies that encourage balanced growth
- Encourage civic engagement.
- ❖ Principle 4: Promote sustainability for future generations
 - Preserve rural, agricultural, recreational and environmentally sensitive areas.
 - Focus development in urban centers and existing cities.
 - Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.
 - Utilize “green” development techniques”

Page 5.3-6, Flooding

“The proposed project is currently designated with a Federal Emergency Management Agency (FEMA) flood zone designation of “X”. However, the City’s Local Coastal Program designates the project site as being situated within located adjacent to an area prone to “Flooding with Wave Action”. ~~In addition, Although~~ the open/space wetland area to the southeast of the subject site routinely stores runoff, resulting in high water levels during storm events, recent improvements to the Huntington Beach Channel (performed by the Orange County Flood Control District) have minimized the ~~which could potentially for impacts to the site.”~~

Page 5.6-4, Water

“Facilities within the City of Huntington Beach consist of 480 miles of water lines (ranging from 2-inch to 42-inch in diameter), water booster pumps, and ~~five~~four reservoirs with a combined capacity of 55 million gallons.”

Page 5.8-8, Product Water Treatment Materials

“In the event of an accidental liquid chemical spill, the chemical would be contained within the concrete containment structure and evacuated through an individual drainage system. The spilled chemical would then be pumped into hazardous waste containment trucks and transported off-site for disposal at an appropriate facility accepting such waste. This operation would be completed by a specialized contractor licensed in hazardous waste handling and disposal. Spill notification thresholds would be established and published, and appropriate agencies, such as the City of Huntington Beach Fire and Police Departments, would also be contacted if necessary. It should also be noted that the existing containment berms along the northern and eastern boundaries of the proposed desalination site would further minimize the potential release of hazardous materials into the adjacent Huntington Beach Channel and wetlands.”

Page 5.8-9, Product Water Treatment Materials

“Hazardous waste management, transportation, use, storage, and disposal information and procedures would be processed and approved through the Huntington Beach Fire Department Hazardous Materials Division and other applicable regulatory agencies. The desalination facility operator would develop hazardous waste management and safety plans in accordance with City, Occupational Health and Safety Association (OSHA), and United States Environmental Protection Agency (EPA) requirements. In accordance with OSHA regulation 29 CFR 1910.119, operation of the proposed facility would require...”

Page 5.8-10, OC-44 Pump Station

“...electrical generators would be required for underground pump station implementation.”

Diesel fuel would be stored within an 8,700-gallon double walled tank with a diameter of eight feet and a height of 26 feet. The City of Irvine Fire Department Orange County Fire Authority (which provides service to the OC-44 pump station site) has no preference for either an aboveground or underground storage tank.”

Page 5.9-23, HAZARDS AND HAZARDOUS MATERIALS

“...adverse impacts with regards to hazardous materials. Remediation activities could expose on-site workers, future project employees, and the adjacent community to a variety of potentially hazardous materials. However, site remediation activities are strictly controlled by local, state, and federal requirements (such as the Orange County Health Care Agency, Regional Water Quality Control Board, and City of Huntington Beach, among others), and the majority of contamination in the vicinity of the proposed desalination project site is petroleum-based (which is not considered “toxic” or acutely hazardous). In addition, contaminated soils may be encountered along the proposed pipeline alignment (especially in the vicinity of the proposed desalination facility) as well as on the proposed pump station site. Therefore, compliance with the required mitigation measures (including a Remedial Action Plan subject to regulatory agency approval prior to project implementation for contaminated areas) is expected to reduce potential impacts to less than significant levels. Note that the project (both desalination facility construction and pipeline construction) would also require adherence to the City of Huntington Beach’s Soils Clean-Up Standard (City Specification 431-92).”

Page 5.9-32, CON-21 and CON-25

- “CON-21 If any hazardous materials not previously addressed in the mitigation measures contained herein are identified and/or released to the environment at any point during the site cleanup process, operations in that area shall cease immediately. At the earliest possible time, the contractor shall notify the City of Huntington Beach Fire Department of any such findings. Upon notification of the appropriate agencies, a course of action would be determined subject to the approval of the by the City of Huntington Beach Department of Public Works and Fire Department.
- CON-25 Any unrecorded or unknown wells uncovered during the excavation or grading process shall be immediately reported to and coordinated with the City of Huntington Beach Fire Department and State Division of Oil, Gas, and Geothermal Resources (DOGGR), and shall meet City Specification 422 – Oil Well Abandonment Permit Process.”

Page 5.9-33, CON-29

- “CON-29 Methane migration features would be consistent with the requirements of the City of Huntington Beach Specification Number 429 and other applicable state and federal regulations. The methane migration features shall be submitted for review and approval to the Orange County Health Care Agency (OCHCA), Environmental Health Division and the City of Huntington Beach Fire Department.”

Page 7-7 Alternative Locations Outside of the City of Huntington Beach

“Several other locations outside of the City of Huntington Beach have also been considered for this project, including the mouth of San Juan Creek (within the City of Dana Point), San Onofre (within San Diego County), and along the coast of the City of San Clemente (refer to Exhibit 7-1,

ALTERNATIVE SITE LOCATION MAP, and Table 7-3, *ALTERNATIVE SITE COMPARISON*). These alternatives are not being considered for a variety of reasons, such as the 56,000 afy size of the proposed project (San Juan Creek), environmental concerns of a new ocean intake/discharge system (San Clemente) and/or engineering/acquisition issues (San Onofre)."

Page 7-8, Ocean Water Quality and Marine Life

~~"...impacts are anticipated to be similar to those of the proposed project site within the City of Huntington Beach. MWDOC, which is considering the implementation of a desalination facility at the San Juan Creek location, is exploring the use of beach wells as a seawater intake. Although a beach well intake system may result in decreased marine biological impacts compared to the proposed project, this benefit is negated somewhat by the need to construct a new ocean outfall for concentrated seawater discharge. Depending on the alternative site selected, impacts in regards to ocean water quality and marine life may be greater than those of the proposed project site. If implementation of the proposed project on an alternative site requires the construction of new or modified intake and outfall facilities for plant operation (as is the case with the San Clemente or San Juan Creek alternative site), substantial impacts to marine biological resources would occur, as construction and operation of plant facilities may disrupt sensitive marine habitats. If the desalination facility were to utilize existing intake and outfall facilities (as is the case with the San Onofre alternative site), impacts to be similar to those of the proposed project site within the City of Huntington Beach."~~

Page 7-10, Table 7-3, change to table title

Table 7-3

ALTERNATIVE SITE COMPARISON

Project yield: 56,000 acre-feet per year

Page 7-10, Alternative Locations Outside of the City of Huntington Beach

"While source water (i.e. ocean water) quality may vary by site, the reverse osmosis treatment process would most likely be capable of producing water meeting all Department of Health Services (DHS) requirements. Impacts due to product water compatibility are anticipated to be similar to the proposed project. It should be noted that at San Juan Creek, system and supply reliability would improve in South Orange County."

Page 7-11, "ALTERNATIVE OWNERSHIP" ALTERNATIVE

"... the California Department of Water Resources has come to the opposite conclusion.

"No international trade treaty now in effect or being negotiated by the United States ~~would prevents~~ local, state, or federal government agencies from reviewing and regulating water projects that involve private companies with multinational ties. Such projects include desalination plants, water transfers, water storage projects (~~both~~ above and below ground), and wastewater reclamation projects. There is no conflict with international trade treaties Sso long as government regulations are applied in the same manner to water projects involving multinational corporations in the same manner as they are applied to water projects owned or operated by domestic companies or public utilities, there would be no conflict with international trade treaties." (2004 California Water Plan, Update 2005, Volume 1, Chapter 23, page 263-37.)

It should be noted that the project proponent, Poseidon Resources Corporation, is a U.S. corporation based in Connecticut, and is not a multi-national corporation.”

Page 8-3, HYDROLOGY AND WATER QUALITY

“...recharge since the project does not involve the extraction of groundwater from the site. Groundwater wells supply ~~76%~~66% of the City of Huntington Beach’s water. The proposed project would consume a nominal amount of water...”